



10-15-04

Attorney Docket #: BiT011

AF/2171
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Ricardo H. Bruce et al.	Confirmation No: 2817
Serial No: 09/819,515	Examiner: Etienne Pierre Leroux
Filed: March 27, 2001	Art Unit: 2171
Title: METHOD AND APPARATUS FOR DATA RECOVERY	Atty. Docket No.: BiT011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

This is a written response to the Office Action dated May 14, 2004 (the "Office Action")
in the above-identified application.

REMARKS

Record of Interview

On September 10, 2004, an interview was conducted by telephone between the Examiner
and Stephen R. Uriarte, Reg. No. 40,854. The Examiner is thanked for granting this interview.

The Office Action was discussed, including the §102 rejection of claims 22 and 23.

The First 35 U.S.C. §102 Rejection

Claims 1-6, 8-12, and 15-19 stand rejected under 35 U.S.C. §102(e) as being allegedly

10/19/2004 MAHMED1 00000050 09819515

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490.00 OP

**TRANSMITTAL FORM***(to be used for all correspondence after initial filing)*

Application Number 09/819,515	Filing Date March 27, 2001
	First Named Inventor Bruce, Ricardo H.
	Art Unit 2171
	Examiner Name Leroux, Etienne Pierre
	Attorney Docket Number BiT011
Total Number of Pages in This Submission: 19 (including this page)	

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks:	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF ATTORNEY, APPLICANT, OR AGENT

Attorney Name	Shabneez Kotadia, Reg. No. 53,153
Signature	<i>Shabneez Kotadia</i>
Date	October 14th, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Express Mail Label No.: EL716113636US			
Typed or printed name	Shabneez Kotadia		
Signature	<i>Shabneez Kotadia</i>	Date	October 14th, 2004